



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

P.O. BOX 25201, RALEIGH, NC 27611-5201

CERTIFICATION OF RULEMAKING

Certifying Agency: Department of Transportation					
Action:	<input checked="" type="checkbox"/>	Adoption	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Repeal
Statutory Authority: 136-89.58 (5), 160A-301 (a), 136-18 (5), 20-161 (a, b), 20-161 (d, e, f), 20-140.3 (5), 136-18 (5).					
Public Hearing Not Required For This Action Under: GS 150A-1, 20-1.					
Rule Summary: No Parking, No Parking/Tow-Away Zone.					
Circumstances Requiring Rule Adoption, Repeal: Necessary for public safety and welfare.					
Effective Date: September 29, 2011					

September 29, 2011
DATE


OFFICER SIGNATURE

James. K. Lacy, P.E.
TYPED NAME

State Traffic Engineer
TITLE

No Parking

The Board of Transportation has delegated to the Secretary of Transportation the authority to adopt and promulgate all rules and regulations and ordinances regulating traffic on the highways pursuant to authority of N.C.G.S 143B-350 (g) (see 19ANCAC 4A.0004).

The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt and promulgate all necessary rules, regulations and ordinances for the use of and to police traffic on state highways, and to set, change, or extend route numbers on the Primary Highway System of North Carolina pursuant to authority of N.C.G.S 143B-350(g) (see 19ANCAC 4A.0004).

Pursuant to that delegation, the State Traffic Engineer hereby adopts and promulgates the following ordinances based on traffic and engineering studies performed by the Traffic Engineering Branch, Department of Transportation, and in accordance with General Statute 136-18 (5), 20-140.3 (5), 20-161 (a, b), 136-89.58 (5), 160A-301 (a).

COUNTY CABARRUS DIVISION 10

RESCIND THE FOLLOWING

County	Ordinance Number	Route	Description
CABARRUS	1005179	I 85	Along I-85, from Mecklenburg county line northward to SR 2894 (Speedway Boulevard); and, any vehicles parked, left standing or disabled, whether attended or unattended, on the ROW of I-85 within the project limits shall be subject to being towed without notice as determined by the NC DOT. This ordinance shall become null and void upon completion of State Project I-3803A.

COUNTY MECKLENBURG DIVISION 10

RESCIND THE FOLLOWING

County	Ordinance Number	Route	Description
MECKLENBURG	1028580	I 85	Along I-85, from SR 2772 (US 29-49 Connection) northward to the Cabarrus County Line; and, any vehicles parked, left standing or disabled, whether attended or unattended, on the ROW of I-85 within project limits shall be subject to being towed without notice as determined by the NC DOT. This ordinance shall become null and void upon completion of Project I3803A.

No Parking/Tow-Away Zone

The Board of Transportation has delegated to the Secretary of Transportation the authority to adopt and promulgate all rules and regulations and ordinances regulating traffic on the highways pursuant to authority of N.C.G.S 143B-350 (g) (see 19ANCAC 4A.0004).

The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt and promulgate all necessary rules, regulations and ordinances for the use of and to police traffic on state highways, and to set, change, or extend route numbers on the Primary Highway System of North Carolina pursuant to authority of N.C.G.S 143B-350(g) (see 19ANCAC 4A.0004).

Pursuant to that delegation, the State Traffic Engineer hereby adopts and promulgates the following ordinances based on traffic and engineering studies performed by the Traffic Engineering Branch, Department of Transportation, and in accordance with General Statute 136-18 (5), 20-161 (d, e, f).

COUNTY CABARRUS DIVISION 10

DECLARE THE FOLLOWING

County	Ordinance Number	Route	Description
CABARRUS	1063321	I 85	From the Mecklenburg County line, at a point 0.53 mile south of SR 2894 (Concord Mills Blvd), northward to a point 1.28 miles north of NC 73. Project I-3803B. Any vehicles parked, left standing or disabled, whether attended or unattended on the right of way within the limits described, shall be subject to being towed without advance notice as determined by NCDOT to a site designated by NCDOT. This ordinance shall become null and void upon completion of I-3803B.

COUNTY MECKLENBURG DIVISION 10

DECLARE THE FOLLOWING

County	Ordinance Number	Route	Description
MECKLENBURG	1063318	I 85	From a point 0.61 mile south of SR 2833 (W. Mallard Creek Church Road) to the Cabarrus County line at 2.56 mile north of SR 2833. Projects I-3803B and R-2123CE. Any vehicles parked, left standing or disabled, whether attended or unattended on the right of way within the limits described, shall be subject to being towed without advance notice as determined by NCDOT to a site designated by NCDOT. This ordinance shall become null and void upon

County	Ordinance Number	Route	Description
--------	---------------------	-------	-------------

completion of I-3803B and R-2123CE.

The foregoing Highway Traffic Ordinances are hereby adopted in accordance with the General Statutes of North Carolina (136-89.58 (5), 160A-301 (a), 136-18 (5), 20-161 (a, b), 20-161 (d, e, f), 20-140.3 (5), 136-18 (5)).

All the actions to the Highway Traffic Ordinances herein adopted are effective September 29, 2011 and are identified as follows:

ORDINANCE TYPE	ADOPT	REPEAL
No Parking	0	2
No Parking/Tow-Away Zone	2	0
Total	2	2

The Division Engineer for each affected Division shall cause to be erected appropriate signs indicating the action of the State Traffic Engineer and these ordinances shall be in full force and effect from and after the erection of such signs.

September 29, 2011

DATE


OFFICER SIGNATURE

James. K. Lacy, P.E.

TYPED NAME

State Traffic Engineer

TITLE



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

September 29, 2011

Colonel Michael Gilchrist
State Highway Patrol
4702 Mail Service Center
Raleigh, North Carolina 27699-4702

Dear Colonel Gilchrist:

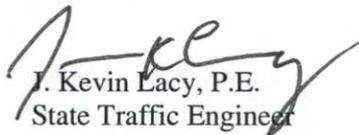
I am requesting that the attached no parking tow-away ordinances (1063318 and 1063321, effective September 29, 2011) be enforced without the usual 24-hour waiting period:

No parking tow-away zone on Interstate 85 between a point 0.61 mile south of SR 2472/2833 (W. Mallard Creek Church Road) in Mecklenburg County and a point 1.28 miles north of NC 73 in Cabarrus County. Any vehicles parked, left standing or disabled, whether attended or unattended on the right of way within the limits described, shall be subject to being towed without advance notice as determined by NCDOT to a site designated by NCDOT. Projects I-3803B and R-2123CE.

General statute §136-18 (5) provides the North Carolina Department of Transportation the legal authority to police traffic, and regulate parking, on State highways. Due to the constraints of the existing roadway, construction in this area will require the placement of concrete barrier along the road. Construction activities will also involve the removal of existing pavement and shoulders, and it is important to keep the remaining available shoulder space open and clear of obstacles for use by emergency personnel to respond to incidents within the project area. Therefore, it has been determined that vehicles parked for any reason in the vicinity of this work zone within the specific ordinance limits for any period of time constitutes a hazard under general statute §20-161.

The North Carolina Department of Transportation will assume all responsibility and incur all costs for vehicles being moved if any court action determines that a vehicle was improperly removed from the right of way. Please let me know if you have any questions or need additional information.

Sincerely,


J. Kevin Lacy, P.E.
State Traffic Engineer

JKL:rjj

cc: J.S. Bourne, P.E., State Traffic Management Engineer
R.J. Jaeger, P.E., Mobility and Safety Information Engineer
L.N. Avery, Traffic Safety Project Engineer